

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Justin Huang	Team: Squad #4	CCRB Case #: 201906829	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 08/02/2019 2:25 PM	Location of Incident: Fulton Street Subway Station	Precinct: 01	18 Mo. SOL 2/2/2021	EO SOL 9/19/2021	
Date/Time CV Reported Fri, 08/02/2019 5:52 PM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Fri, 08/02/2019 5:52 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Jessica Ruotolo	00298	949756	001 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT William Knipper	04616	950694	001 PCT
2. POM Luigi Tirro	05819	964803	001 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Jessica Ruotolo	Force: Police Officer Jessica Ruotolo used physical force against § 87(2)(b)	
B.POF Jessica Ruotolo	Abuse: Police Officer Jessica Ruotolo refused to provide her shield number to § 87(2)(b)	

Case Summary

On August 2, 2019, § 87(2)(b) filed the following complaint with the CCRB via the on-line website (**BR 11**).

On August 2, 2019, at approximately 2:15PM, § 87(2)(b) exited the subway at the Fulton Street Subway Station in Manhattan. § 87(2)(b) went up the escalator to street-level and saw Police Officer Jessica Ruotolo, Sergeant William Knipper, Police Officer Evan Mele, Police Officer Richard Narciso, Police Officer Luigi Tirro and other officers holding down an unidentified black male, CV1, at the corner of the station. The officers placed CV1 into a patrol vehicle. § 87(2)(b) inquired whether he was getting medical attention. PO Ruotolo approached § 87(2)(b) and asked her if she knew CV1. PO Ruotolo then grabbed § 87(2)(b)'s left arm and pushed it toward her right side (**Allegation A: Force, § 87(2)(g)**). PO Ruotolo refused to provide her shield number to § 87(2)(b) (**Allegation B: Abuse of Authority, § 87(2)(g)**).

No arrest or summons were made as a result of this incident.

The CCRB obtained BWC footage of the incident from the NYPD (**BR 03, BR 04**).

Findings and Recommendations

Allegation A – Force: Police Officer Jessica Ruotolo used physical force against § 87(2)(b)

It is undisputed that PO Ruotolo pushed § 87(2)(b)'s left arm.

On August 2, 2019, at approximately 2:15 p.m., § 87(2)(b) (**BR 01**) observed a group of seven to ten uniformed officers standing over CV1, who was handcuffed and laying on the ground in the Fulton Street train station in Manhattan. § 87(2)(b) asked if CV1 was going to receive medical attention. An Allied Security guard stated that an ambulance was requested at 1:13 p.m. but had not arrived yet. An officer standing nearby reiterated what the Allied Security guard had stated. At approximately 2:25pm, several officers from the Emergency Services Unit (ESU) responded to the location. The ESU officers spoke to several officers on scene before walking over to CV1. Several officers stood CV1 up and escorted him to a marked police vehicle outside. § 87(2)(b) followed the officers outside.

§ 87(2)(b) approached PO Ruotolo and asked if CV1 was going to receive medical treatment. PO Ruotolo did not respond to § 87(2)(b)'s questions, but another male officer did. PO Ruotolo cut off the male officer and inquired if § 87(2)(b) knew CV1. § 87(2)(b) replied that she was a concerned member of the public and told PO Ruotolo to calm down. § 87(2)(b) raised her left hand and pointed her finger at PO Ruotolo as she spoke. PO Ruotolo grabbed § 87(2)(b)'s left wrist, pulled her arm down, and told § 87(2)(b) to get her hand out of her face. § 87(2)(b) told PO Ruotolo not to touch her and lifted her left hand back up. § 87(2)(b) estimated that PO Ruotolo pulled her hand downwards more than two

times, and § 87(2)(b) lifted her hand back up each time PO Ruotolo pulled it down. PO Ruotolo continued to tell § 87(2)(b) to not put her hand in her face. PO Ruotolo's action caused the left side of her body to be jerked in the direction PO Ruotolo was pulling.

PO Ruotolo (**BR 02**) stated that she and PO Austen responded to a 911 call about an emotionally disturbed person who was reportedly punching people in the Fulton Street train station. Upon arrival, PO Ruotolo saw at least 6 other officers and SGT Knipper standing around CV1. CV1 was held down on the ground by officers for over one hour while waiting for an ambulance. During this time, a crowd, including § 87(2)(b) gathered to observe what was going on. § 87(2)(b) stated that the officers were not handling the situation properly. Several civilians in the crowd approached § 87(2)(b) and told her that the officers present were doing everything they could. SGT Knipper called ESU for assistance in transporting CV1 into a patrol vehicle after the ambulance failed to arrive.

When ESU arrived, PO Ruotolo and the other officers stood CV1 up and walked him outside to a patrol vehicle. A crowd formed near the patrol vehicle. § 87(2)(b) followed PO Ruotolo outside and continued to say that the officers were not doing their jobs. § 87(2)(b) said to PO Mele, "What, she doesn't speak English? She can't answer me?" PO Ruotolo did not know what this question was in reference to. PO Ruotolo continued walking to the patrol vehicle. § 87(2)(b) told the ESU officers that CV1 needed medical attention and the officers assured her that they were taking CV1 to the hospital. The ESU officers asked the other officers present to move the crowd back so that they could place CV1 into the vehicle. § 87(2)(b) stood directly behind PO Ruotolo and continued to ask if CV1 was going to receive medical attention. PO Ruotolo asked § 87(2)(b) if she knew CV1 because if she did, she could travel with him to the hospital. § 87(2)(b) raised her hand approximately two feet in front of PO Ruotolo's face. PO Ruotolo pushed § 87(2)(b)'s arm away and told § 87(2)(b) not to put her hand in her face. PO Ruotolo also told § 87(2)(b) to step back. Sgt. Knipper then approached and told PO Ruotolo to get into her vehicle to escort the patrol vehicle containing CV1 to the hospital, and PO Ruotolo walked away.

BWC footage from PO Mele (**BR 03**) shows PO Ruotolo's interaction with § 87(2)(b). At 21:56, PO Ruotolo walks up to § 87(2)(b) and asks if she is "with him." § 87(2)(b) repeatedly tells PO Ruotolo to calm down. § 87(2)(b) then proceeds to place her left hand approximately 8-10 inches in front of PO Ruotolo and points her index finger. § 87(2)(b) then states that she is a community member and wants to make sure CV1 gets medical attention. PO Ruotolo says not to worry about it and that he will get medical attention when he goes to the hospital. § 87(2)(b) continues to hold her hand in front of PO Ruotolo and repeats, "Miss." At 22:08, PO Ruotolo grabs § 87(2)(b)'s left arm, pulls it down, and pushes the arm toward § 87(2)(b)'s right side. PO Ruotolo states, "Get your hand out of my face. Do not put your hands in front of my face right this second." § 87(2)(b) raises her left arm and says to take a video of this. PO Ruotolo responds that the entire incident is being recorded on their body-worn cameras. § 87(2)(b) again places her left hand in front of PO Ruotolo with her index finger pointed up and asks how close she was to PO Ruotolo.

At 22:21, PO Ruotolo states that § 87(2)(b) is still in her face and pushes § 87(2)(b) s arm down again.

BWC footage from PO Narciso (**BR 04**) shows ESU officers asking other officers to get the crowd to move back as they are securing CV1 in the patrol vehicle, starting at 13:18. This request happens simultaneously as § 87(2)(b) interacts with PO Ruotolo.

As per NYPD Patrol Guide Procedure 221-01 (**BR 05**), Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. In all circumstances, any application or use of force must be reasonable under the circumstances.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Allegation B – Abuse of Authority: Police Officer Jessica Ruotolo refused to provide her shield number to § 87(2)(b)

It is undisputed that § 87(2)(b) requested PO Ruotolo’s shield number.

§ 87(2)(b) (**BR 01**) stated that she repeatedly asked PO Ruotolo for her shield number after CV1 had been walked outside of the train station. PO Ruotolo was standing directly in front of § 87(2)(b) at the time of her request and PO Ruotolo did not provide her information. Several officers whisked PO Ruotolo away and § 87(2)(b) could not see her any longer. § 87(2)(b) continued to request PO Ruotolo’s shield number and approached SGT Knipper and asked for PO Ruotolo’s shield number. SGT Knipper provided PO Ruotolo’s shield number and name to § 87(2)(b)

PO Ruotolo (**BR 02**) stated that after her interaction with § 87(2)(b) where she pushed § 87(2)(b) s arm, SGT Knipper told her to get into her vehicle to escort the patrol vehicle containing CV1 to the hospital. As PO Ruotolo was walking away, § 87(2)(b) shouted, “This is why people don’t like you.” PO Ruotolo denied hearing § 87(2)(b) ask her for her shield number but heard § 87(2)(b) yelling that she wanted to know who she was. PO Ruotolo got into her patrol vehicle because SGT Knipper had commanded her to do so and assumed that SGT Knipper would provide her information to § 87(2)(b)

SGT Knipper (**BR 06**) stated that he told PO Ruotolo to get into her police vehicle to follow behind the police vehicle containing CV1 to the hospital because PO Mele and PO Ruotolo were assigned to the only other patrol vehicle at the scene. After PO Ruotolo left, § 87(2)(b) approached him and asked for PO Ruotolo’s name and shield number. SGT Knipper provided § 87(2)(b) with PO Ruotolo’s name but did not provide her shield number because he did not know it.

BWC footage from PO Narciso (**BR 04**) shows PO Ruotolo standing with other officers along with § 87(2)(b) as CV1 is being placed in the patrol vehicle. At 13:43, PO Ruotolo is pictured standing in front of § 87(2)(b) and they are speaking loudly to each other. At 13:45, an officer pulls PO Ruotolo away from § 87(2)(b). At 13:47 minutes, officers are talking with ESU about the wait time for an ambulance. At 13:55 minutes, § 87(2)(b) shouts, "I want her badge number, give me her badge number. I want her information." PO Ruotolo is standing approximately three feet away facing § 87(2)(b) and speaking with ESU officers about the wait time for the ambulance. SGT Knipper then orders PO Ruotolo and PO Mele to escort the other patrol vehicle to the hospital.

NYPD Patrol Guide Procedure 203-09 (BR 07) states that a uniformed member of service is to courteously and clearly state their rank, name, shield number, and command, or otherwise provide them, to anyone who requests them to do so.

§ 87(2)(g)
[REDACTED]

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to 1 CCRB complaint and has been named as a victim in one allegation (**BR 08**):
- § 87(2)(b) [REDACTED]
- Officer Ruotolo has been a member of service for 9 years and has been a subject in 1 CCRB complaint and 1 allegation, which was not substantiated. § 87(2)(g) [REDACTED]

Mediation, Civil and Criminal Histories

- § 87(2)(b) declined to mediate this complaint.
- According to the Office of Court Administration (OCA), § 87(2)(b) has no history of convictions in New York City (**BR 09**).
- As of December 20, 2019, The New York City Office of the Comptroller has no record of a Notice of Claim being filed in regards to this complaint (**BR 10**).

Squad No.: _____

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date